

EX PARTE OR LATE FILED

RECEIVED

PRUDENCE H. PARKS
ATTORNEY AND COUNSELLOR AT LAW
11301 POPES HEAD ROAD
FAIRFAX, VIRGINIA 22030
703-278-9272

OCT - 4 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

October 4, 1994

EX PARTE

William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

RE: PR Docket No. 93-61
Automatic Vehicle Monitoring Systems

DOCKET FILE COPY ORIGINAL

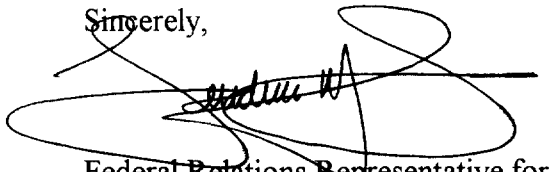
Dear Mr. Caton:

On Tuesday, October 4, 1994, a copy of the enclosed letter with attachment was delivered to all of the Commissioners and their Confidential Assistants as well as Thomas Stanley, Bruce Franca and Richard Engelman of the Office of Engineering and Technology, Richard Smith and Michael Marcus of the Field Operations Bureau, and Ralph Haller, Beverly Baker and John Borkowski of the Private Radio Bureau.

Two copies of this letter are being submitted to the Secretary of the Commission pursuant to Section 1.1206(a)(1) of the Commission's Rules.

Please contact the undersigned if you have any questions or require additional information concerning this matter.

Sincerely,



Federal Relations Representative for
Washington Gas

No. of Copies rec'd
List A B C D E

741



DEPARTMENT OF ENERGY

Washington, DC 20585

OCT 3 0 1994

RECEIVED

OCT - 4 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ruth Milkman
Federal Communications Commission
1919 M Street, N.W.
Room 814
Washington, DC 20544

Dear Ms. Milkman:

On June 24, 1994, the Department of Energy sent a letter to your office expressing its concerns with the proposed licensing of Automatic Vehicle Monitoring Systems, addressed in PR Docket 93-61. It has recently come to the Department's attention that this letter is currently absent from the Commission's record on this proceeding.

We wish to underscore the Department's continuing interest in this proceeding and its potential impact on the present use of automated utility distribution systems and meter reading devices. Accordingly, we would request that the Department's letter be made a part of the record so that our views will be given due consideration during the Commission's deliberation. A copy of the July 24, 1994 letter is attached.

Sincerely,

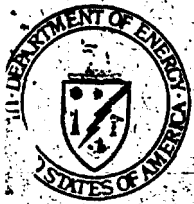
A handwritten signature in dark ink, reading "David A. Kovner". The signature is fluid and cursive, with the first name "David" being particularly prominent.

David A. Kovner
Office of Energy Efficiency and Renewable Energy

cc: Peter Fox-Penner



Printed with soy ink on recycled paper



Department of Energy

Washington, DC 20585

June 24, 1994

RECEIVED

OCT - 4 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Honorable Reed E. Hundt
Chairman, Federal Communications Commission
1919 M Street, N.W., Room 802
Washington, D.C. 20554

RE: PR Docket No. 93-61; Fcc No. 93-141: Regulations for Automatic Vehicle Monitoring Systems

Dear Chairman Hundt:

The Department of Energy has concerns about the proposed adoption of regulations for Automatic Vehicle Monitoring Systems, addressed in PR Docket No. 93-61. The proposed rule would permanently license the operation of Automatic Vehicle Monitoring Systems (AVMs) in the 902-928 MHz band. The Department believes other options for meeting the needs for Automatic Vehicle Monitoring Systems should be explored.

The 902-928 MHz band is the same band used by natural gas distributors, electric utilities, and other utilities for automated utility distribution systems that have several beneficial functions including real-time pricing, demand-side management (energy efficiency and load management), enhanced system reliability, and automatic meter reading. The Department of Energy recognizes that several Public Utility Commissions have approved substantial investments by utilities in these systems, investments that the Department has also encouraged. The licensing of AVM systems under the proposed rule would adversely affect the utilization of these beneficial systems in the 902-928 MHz band. The Department urges you to consider and carefully evaluate the negative impact of licensing AVM systems in the 902-928 MHz band on utilities and on the attainment of national energy, environmental, and economic goals.

In recent history, the FCC has amended its rules to facilitate the design and use of "spread spectrum" technology, the frequency devices used in the 902-928 MHz band on an unlicensed basis. In GEN Docket No. 89-354, the Commission encouraged "the development and implementation of...and use of spread spectrum systems consistent with the basic precept of the Part 15 rules that non-licensed operations are not to cause harmful interference to established services." Licensing of AVM systems to operate in the same band raises the high probability of interference by current unlicensed Part 15 systems. While utilities and others who operate devices in this band understand they have no

¹Report and Order, GEN Docket No. 89-354, FCC 90-233, released July 9, 1990.



rights to interference protection, we urge the FCC to consider the effects of the proposed AVM technology on the uses of automated utility distribution systems.

Utilities have a wide variety of requirements, operating conditions, and applications that need an adequate spectrum to provide efficient and effective customer services. Investments made by many utilities in automated systems rely on the Commission's current reservation of this band for unlicensed devices. Many of these operational systems advance the Administration's efforts in energy efficiency, environmental protection, and real-time pricing. Automated utility distribution system applications include "smart" control units at customers' homes that display the present price of electricity. Another application allows interruptions to be reported from each house and from various points on the utility distribution network. The utilities can then determine precisely the extent of power outages and can expedite repairs to restore service more quickly. Lastly, automatic meter reading is used to help utilities collect energy-use data from their customers automatically.

The Department of Energy recommends that the Commission weigh the negative impacts of licensing AVM systems in the 902-928 MHz band and explore other options to meet AVM system needs that do not adversely affect the present and future utilization of automated utility distribution systems and meter reading devices.

Sincerely,



Christine A. Ervin
Assistant Secretary
Energy Efficiency and Renewable Energy